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PATENT APPLICATION

File No: 02-24

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

: Kevin M. Klucher, Pallavur V. Sivakumar, Wayne R. Kindsvogel,

Katherine E. Henderson

Serial No.

10/691,923

Group Art Unit

1646

Examiner

.

Filed

: October 23, 2003

For

: METHODS FOR TREATING VIRAL INFECTION USING IL-28

AND IL-29

## **CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence, comprising:

- 1. Information Disclosure Statement
- 2. PTO-1449 Form
- 3. 45 References
- 4. Return Postcard

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

on April 22, 2005.

Kim M. Goplen





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In re Application of : Kevin M. Klucher, Pallavur V. Sivakumar, Wayne R. Kindsvogel,

Katherine E. Henderson

Serial No. : 10/691,923

Group Art Unit : 1646

Examiner

Filed : October 23, 2003

For : METHODS FOR TREATING VIRAL INFECTION USING IL-28

AND IL-29

Date Submitted : April 22, 2005

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which they believe may be material to the examination of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56. Further, in accordance with 37 CFR 1.98(a)(2)(i), applicants have not enclosed copies of the U.S. patent publications listed on form PTO-1449.

In accordance with 37 C.F.R. 1.97, the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been conducted, nor shall it be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

The references are listed in PTO form 1449 which is in accordance with the requirements of M.P.E.P. 609. Applicants believe that their invention as claimed is patentable over the references. It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

Applicants also wish to bring the Examiner's attention to U.S. Patent Application Serial No. 09/895,834, filed June 29, 2001, entitled "INTERFERON-LIKE PROTEIN ZCYTO21;" U.S. Patent Application Serial No. 10/127,816, filed April 19, 2002, entitled "CYTOKINE PROTEIN FAMILY;" U.S. Patent Application Serial No. 10/914,772, filed August

9, 2004, entitled "HOMOGENEOUS PREPARATIONS OF IL-28 AND IL-29;" and U.S. Patent Application Serial No. 11/098,662, filed April 4, 2005, entitled "METHODS FOR TREATING VIRAL INFECTION USING IL-28 AND IL-29 CYSTEINE MUTANTS;" a copy of each is provided herewith.

Pursuant to the provisions of M.P.E.P. §609, Applicants further request that a copy of the 1449 form(s), marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

It is believed that no fee is due, as this Information Disclosure Statement is filed prior to the receipt of any Action on the merits. However, in the event that a fee is due, please charge any fee or credit any overpayment to Deposit Account No. 26-0290.

Respectfully submitted,

Brian J. Walsh

Registration No. 45,543

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1	RM Pro 1442 mos U.S. DEPARTMENT OF COMMERCE			File No. 02-24		Serial No. 10/691,923			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT					Applicant(s): Kevin M. Klucher, Pallavur V.				
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	A10	02/092762	11/21/02	WIPO			<u>`</u>		
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FORM PTO S.S. DEPARTMENT OF COMMERCE (REV 2-32) PATENT AND TRADEMARK OFFICE	File No. 02	-24	Serial No. 10/691,923						
INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)  MAY 0 4 2005	Applicant(s): Kevin M. Klucher, Pallavur V. Sivakumar, Wayne R. Kindsvogel, Katherine E. Henderson								
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